



Crl.R.C. No.1451 of 2023 & Crl. M.P. No.12669 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.R.C.No. 1451 of 2023 &

Crl.M.P. No.12669 of 2023

M.J. Gopinath

...Petitioner

Vs.

1. R. Latha

2. G. Hemapriya

3. G. Kamali

...Respondents

Prayer : Criminal Revision Case filed under Section 397(1) r/w 401 Cr.P.C. against the order dated 14.07.2023 in M.P. No.867 of 2018 in M.C. No.563 of 2013, on the file of V Additional Principal Family Court, Chennai.

For Petitioner : Mr. J. Sundarakanchani

ORDER

Challenge in this Criminal Revision is made to the orders dated 14.07.2023 in M.P. No.867 of 2018 in M.C. No.563 of 2013, on the file of V Additional Principal Family Court, Chennai.



Crl.R.C. No.1451 of 2023 & Crl. M.P. No.12669 of 2023

WEB COPY

2. This Criminal Revision Case is listed today before this Court for admission and the same is decided in the admission stage itself.

3. The facts leading to the filing of the present Criminal Revision are as follows:

3.1. The respondents herein filed a Maintenance Case under Section 125 Cr.P.C. in M.C. No.563/2013 before the I Additional Family Court, Chennai. The learned I Additional Principal Judge, Family Court, Chennai, allowed the said petition, vide his orders dated 17.04.2017, directing the present revision petitioner herein to pay a sum of Rs.4,000/- each to the respondents 1 to 3 herein (total amount of Rs.12,000/- per month) towards maintenance from the date of filing of the petition i.e. 8.11.2013. It was further directed that the maintenance shall be paid on or before 5th of every English calendar month and the arrears of maintenance amount should be paid in 3 equal instalments.

3.2. The respondents herein, in execution of the orders passed in M.C. No.563/2013, filed a petition under Section 125(3) Cr.P.C. in



Crl.R.C. No.1451 of 2023 & Crl. M.P. No.12669 of 2023

WEB COPY

M.P. No.867/2018 before the V Additional Family Court, Chennai, seeking arrest of the present revision petitioner for non payment of a sum of Rs.6,36,000/- for the period from 08.11.2013 to 09.04.2018 (53 months).

3.3. The revision petitioner though received notice in the said petition, did not appear and therefore he was set exparte. Subsequently the present revision petitioner filed a petition to set aside the exparte order passed against him and thereafter he paid various amounts on different dates. The matter was periodically adjourned and subsequently arrest warrant was issued against the present revision petitioner, challenging which, the present Criminal Revision Case is filed by the revision petitioner/husband.

4. Mr. J. Sundarakanchani, learned counsel for the revision petitioner contended that the trial court failed to take into account the various amounts paid by the revision petitioner during the pendency of M.P.867/2018 and therefore, the issuance of arrest warrant is totally



Crl.R.C. No.1451 of 2023 & Crl. M.P. No.12669 of 2023

WEB COPY

unwarranted, especially when the respondents herein had filed another petition in M.P. No.288/2021, seeking attachment of salary of the revision petitioner. The said petition was allowed, on account of which the present revision petitioner's salary is being attached by the garnishee.

5. It is seen from the records that the arrear amount for the period from 08.11.2013 to 09.04.2018 (53 months) is Rs.6,36,000/-. The petitioner has so far paid approximately a sum of Rs.3,00,000/- and the fact remains that M.P. No.867/2018 is filed for recovery Rs.6,36,000/-. It is also pertinent to point out that the revision petitioner did not pay the maintenance amount to the respondents herein as directed by the trial court. Therefore, the respondents were forced to file a petition in M.P. No.288/2021 under Section 128 Cr.P.C. praying to attach the salary of the revision petitioner for the period 11.05.2019 to 11.03.2021 (23 months). The period indicated in M.P. No.867/2018 is totally different from the period indicated in M.P. No.288/2021.



CrI.R.C. No.1451 of 2023 & CrI. M.P. No.12669 of 2023

WEB COPY

6. In the circumstances, I do not see any reason to interfere with the orders passed by the trial court.

7. In the result,

- i. the Criminal Revision is dismissed. Consequently connected miscellaneous petition is closed.
- ii. the orders dated 14.07.2023 in M.P. No.867 of 2018 in M.C.No.563 of 2013, on the file of V Additional Principal Family Court, Chennai. is confirmed.

31.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga



WEB COPY



Crl.R.C. No.1451 of 2023 & Crl. M.P. No.12669 of 2023

R. HEMALATHA, J.
bga

To

V Additional Principal Family Court, Chennai.

Crl.R.C.No. 1451 of 2023 &
Crl.M.P. No.12669 of 2023

31.08.2023